

1 BILL NO. Z-85-05-14 (AS AMENDED)

2 ZONING MAP ORDINANCE NO. Z- 09-85

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. M-18.

5
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
7 FORT WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby
9 designated a B-1-B (Limited Business) District under the terms of Chapter 33
10 of the Code of the City of Fort Wayne, Indiana of 1974:

11 Part of the East half of the Northeast Quarter of
12 Section 35, Township 31 North, Range 12 East, Allen
County, Indiana, more particularly described as
follows:

13 Beginning at a point on the North line of the East
14 half of the Northeast Quarter of Section 35, Township
31 North, Range 12 East, Allen County, Indiana, said
15 point being 155.89 feet East of the Northwest corner
of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 35-31-12; thence East
16 along the North line of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of
Sec. 35-31-12 a distance of 192.09 feet to a point
17 on the West right-of-way line of Clinton Street; thence
South with a deflection angle to the right of 87 degrees
18 30 minutes along the West right-of-way line of Clinton
Street a distance of 225.8 feet to a point on the
North right-of-way line of Young's Drive; thence West
19 with a deflection angle to the right of 92 degrees 30
minutes along the North right-of-way line of Young's
20 Drive a distance of 269.98 feet to a point on the
East right-of-way line of Eastbrook Drive; thence
21 Northerly with a deflection angle to the right of
99 degrees 35 minutes 50 seconds along the East
22 right-of-way line of Eastbrook Drive a distance of
94.1 feet; thence Northerly along the East right-of-way
23 line of Eastbrook Drive a distance of 142.75 feet to the
point of beginning, containing 1.23 acres, EXCLUDING
24 THEREFROM: The West 50 feet of the above described
25 real estate.

26 and the symbols of the City of Fort Wayne Zoning Map No. M-18, as
27 established by Section 11 of Chapter 33 of the Code of the City of Fort
28 Wayne, Indiana are hereby changed accordingly.
29
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1 Bill No. Z-85-05-14 (AS AMENDED)

2 Page two

3
4
5 SECTION 2. That this Ordinance shall be in full force
6 and effect from and after its passage and approval by the Mayor.

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8 
9 COUNCILMEMBER

10 APPROVED AS TO FORM AND LEGALITY:

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13 BRUCE O. BOXBERGER, CITY ATTORNEY
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FOX RIVER BOND
25% COTTON

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25 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
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27 SECTION 2. That this Ordinance shall be in full force and
28 effect from and after its passage and approval by the Mayor.

29
30 Charles B. Reed
31 COUNCILMEMBER

32 APPROVED AS TO FORM AND LEGALITY

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Redd, seconded by Delunco, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock, _____ M., E.

DATE: 5-14-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Delunco, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>4</u>	<u>2</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	<u>✓</u>	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 7-23-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. 3-09-85

on the 23rd day of July, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of July, 1985, at the hour of 11:30 o'clock PM M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 24th day of July, 1985, at the hour of 4:00 o'clock PM M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE Automobile Washing
Station

I/We Virginia Whitley and Don Merryman

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an R2 District to a/an B1B

District the property described as follows:

Part of the East half of the Northeast Quarter of Section 35, Township 31
North, Range 12 East, Allen County, Indiana, more particularly described as
follows: Beginning at a point on the North line of the East half of the North-
east Quarter of Section 35, Township 31 North, Range 12 East, Allen County,
Indiana, said point being 155.89 feet East of the Northwest corner of the E 1/2
of the NE 1/4 of Sec. 35-31-12; thence East along the North line of the E 1/2
of the NE 1/4 of Sec. 35-31-12 a distance of 192.09 feet to a point on the
West right of way line of Clinton Street; thence South with a deflection angle
to the right of 87 degr. 30 min. along the West right of way line of Clinton
Street a distance of 225.8 feet to a point on the North right of way line of
Young's Drive; thence West with a deflection angle to the right of 92 degr.
30 min. along the North right of way line of Young's Drive a distance of

(Legal Description) If additional space is needed, use reverse side. (over)

ADDRESS OF PROPERTY IS TO BE INCLUDED: 3015 Clinton Street, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

Virginia Whitley

*See Bottom

Virginia B. Whitley

Don Merryman

3010 Dickshire Lane
Fort Wayne, Indiana 46804

Don Merryman

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

- * All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Douglas E. Miller, Attorney 395 Lincoln Bank Tower
(Name) Fort Wayne, Indiana 46802 (219) 423-9551
(Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

*Cormoran-10B
Es Puchet
San Agustín, Mallorca
Spain 07015

#1

Legal Description of property to be rezoned.

269.98 feet to a point on the East right of way line of Eastbrook Drive,
thence Northerly with a deflection angle to the right of 99 degr. 35 min.
50 sec. along the East right of way line of Eastbrook Drive a distance of
94.1 feet; thence Northerly along the East right of way line of Eastbrook
Drive a distance of 142.75 feet to the point of beginning, containing 1.23
acres.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

San Antonio, Hija
Es Puchas
2016-07-18

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on 14 May 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-05-14 (AS AMENDED); and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on 20 May 1985;

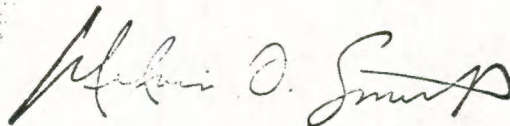
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 3 June 1985.

Certified and signed this
2nd day of July 1985.



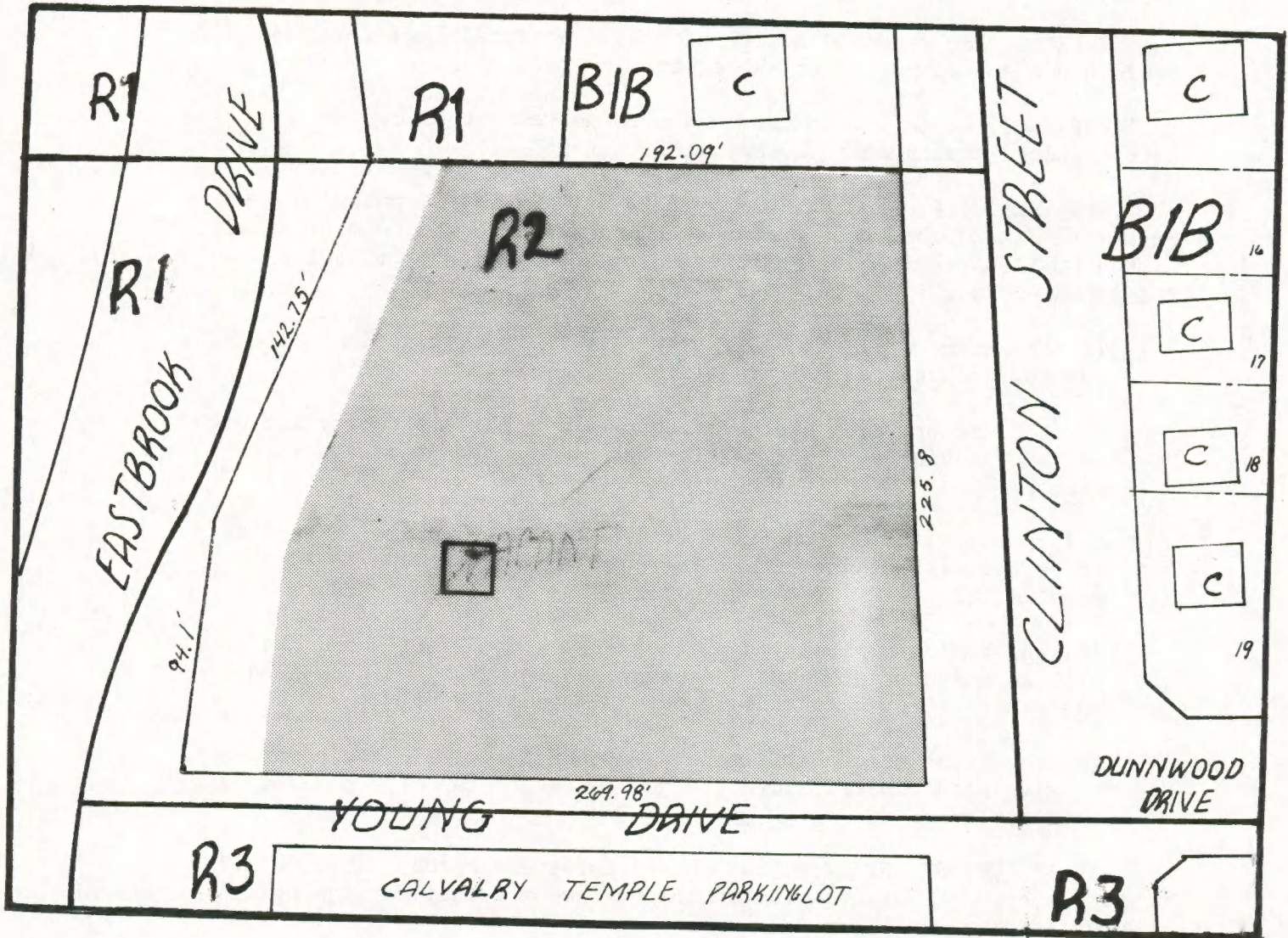
Melvin O. Smith
Secretary

ZONING PETITION #128

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R2 DISTRICT TO A BIB DISTRICT.

MAP NO. M-18

COUNCILMANIC DISTRICT NO. 3



Zoning:

- R1 RESIDENTIAL DISTRICT
- R2 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- BIB LIMITED BUSINESS B
- M1 LIGHT INDUSTRY

Land Use:

- ☐ COMMERCIAL

BILL NO. Z-85-05-14 (AS AMENDED)

Scale: 1"=60'

-20-

Date: 4-24-85

NORTH



ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-85-05-14

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Commonly known as 3015 Clinton Street.

EFFECT OF PASSAGE Property is zoned R-2 - Two Family Residential. Property
will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

FACT SHEET

Z-85-05-14 (AS AMENDED)

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

3015 North Clinton Street

Reason for Project

The rezoning would allow for the construction of a car wash.

Discussion (Including relationship to other Council actions)20 May 1985 - Public Hearing

Doug Miller, attorney for the owners and the prospective owner of the property presented the Commission with a drawing of the proposed car wash. Mr. Miller stated that presently there is a vacant house on the lot and that the property is ill-kept at this time. He pointed out that this property is surrounding by business uses. He pointed out that Swiss Cleaners which is the North of the property has an entrance from Clinton and an exit on Eastbrook Drive. Mr. Miller pointed out that Harvey Electronics also has an exit onto Eastbrook Drive. He stated that the daily car count for a car wash would be approximately 150 cars, which would vary depending upon the season. He stated that they can live without the curb cut on Eastbrook but they would be the only one without a cut on Eastbrook Drive.

Jim O'Rourke, realtor, stated that he could not see this property being used for residential development.

There was no one present who wished to speak in favor of or in opposition to the

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Virginia Whitley
Don Merryman
City Department

Other

Opponents

Groups or Individuals

None

Basis of Opposition

**Staff
Recommendation**☐ For ☒ Against**Reason Against**

-approval would adversely
impact area

-undue hardship does not
exist on this property

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

proposed rezoning.

3 June 1985 - Business Meeting

Of the seven (7) members present six (6) voted in favor of recommending a DO PASS to the Common Council, one (1) did not vote.

The ordinance was amended to exclude from the request a residential border along the West property line of the property.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 18 April 1985

Projected Completion or Occupancy

Date 2 July 1985

Fact Sheet Prepared by

Patricia Biancaniello

Date 2 July 1985

Reviewed by

Gary E. Baeten
Gary E. Baeten, Senior Planner
Reference or Case Number

Date 2 July 1985

13 May 1985

PROPOSAL:

Virginia Whitley and Don Merryman petition for a change of zone from R-2 to B-1-B.

GENERAL INFORMATION:

Location:	3015 N. Clinton Street
Legal Description:	Metes & Bounds in File
Existing Zoning:	1.23 Acres \pm
Size of Property:	North - B-1-B & R-1 - Commercial South - R-3 - Calvary Temple Parking Lot East - B-1-B - Commercial West - R-1 - Residential
Reason For Request:	Automobile Washing Station
Applicable Regulations:	The proposed use would be permitted in a B-1-B
Comprehensive Plan:	The general land use policies state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the Middle Ring, where this request is located is to maintain existing investments and prevent deterioration in existing neighborhoods.
Neighborhood Planning:	No Comment
HANDS:	No Comment
Housing Authority:	No Comment
Traffic Engineering:	The State has jurisdiction over Clinton Street and would have final approval of the geometrics and design of all cuts.

SPECIAL INFORMATION:

Physical Characteristics:	Utilities are available for this site.
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PLANNING STAFF DISCUSSION:

We are very concerned with commercial encroachment into this area. In July of 1984, the property to the south was rezoned to R-3 in order to allow possible office usage of the Calvary Temple facility, and allow for some buffering of the residential area.

Clinton Street is a major north-south traffic generator which reflects in concerns regarding the safety of residents in the neighborhood. Approval of the rezoning

Change of Zone #128
13 May 1985

Page two

would probably generate additional traffic thru this corridor much to the adverse affect upon existing traffic conditions and safety concerns.

The approval would adversely impact the residential and aesthetic quality of life, and would encourage future encroachment and commercial strip zoning. With a rezoning, we would lose control over preservation of residential life qualities and could not provide any type of buffering or transitional development.

A similar size parcel towards the west on Brookway Drive has been developed with a cul-de-sac. The subject property could be developed into approximately 4 or 5 lots in the same manner as Vesey Park Addition off of Westbrook Drive.

RECOMMENDATION:

Denial

- 1) Approval would adversely impact the surrounding area.
- 2) Approval would encourage encroachment of commercial uses into residential area.
- 3) An undue hardship does not appear to exist, as the property could be developed residentially.

However, if the Commission and City Council wish to approve this change of zone, we feel that west 60 feet of the subject property be retained in R-2, no curb cuts be permitted on Eastbrook Drive and landscape plan be submitted for 60 feet strip to ID&P for review and approval.

RECEIPT

No 11970

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 4/18 1985

RECEIVED FROM Dunette et al \$ 50.00

THE SUM OF Fifty ¹⁰⁰ DOLLARS

ON ACCOUNT OF 3015 No. Clayton

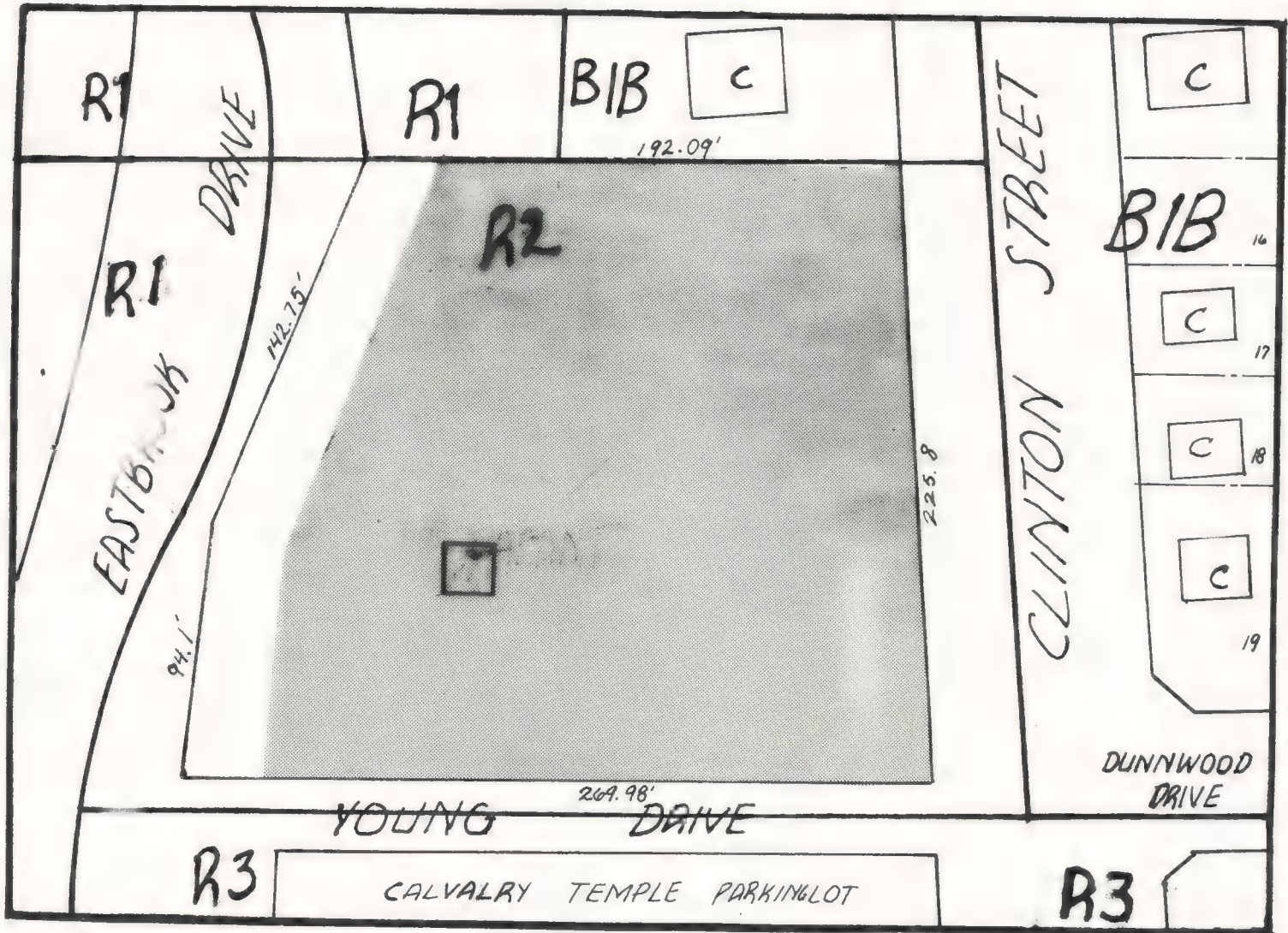
Young
AUTHORIZED SIGNATURE

ZONING PETITION #128

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R2 RESIDENTIAL DISTRICT
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MI LIGHT INDUSTRY

Land Use:

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BILL NO. Z-85-05-14 (AS AMENDED)

Scale: 1"=60'

-20-

Date: 4-24-85



Division of Community Development & Planning

FACT SHEET

Z-85-05-14 (AS AMENDED)

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

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There was no one present who wished to speak in favor of or in opposition to the

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Virginia Whitley
Don Merryman
City Department

Other

Opponents

Groups or Individuals

None

Basis of Opposition

Staff Recommendation

☐ For ☒ Against

Reason Against

-approval would adversely impact area
-undue hardship does not exist on this property

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

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Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

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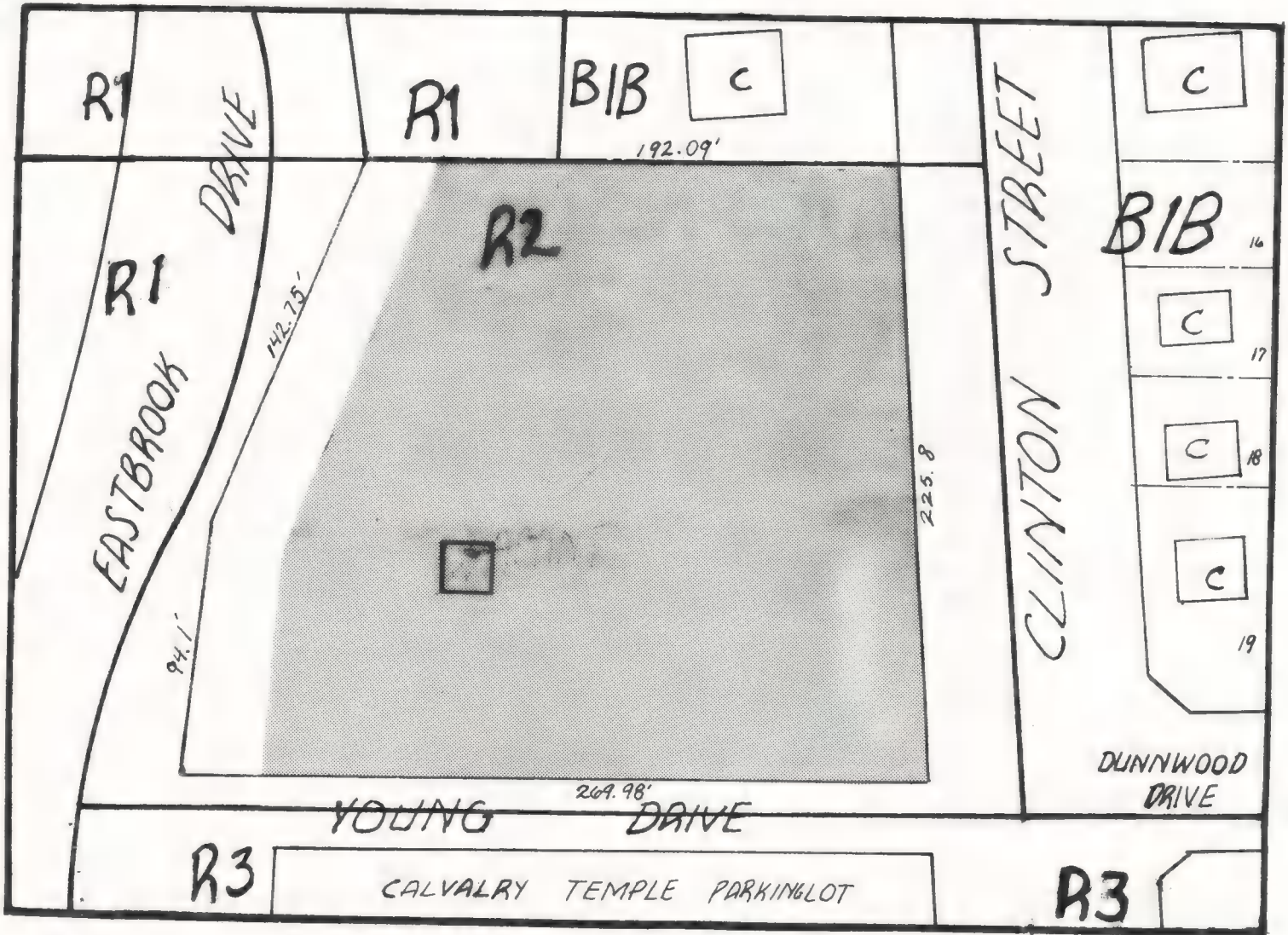
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Gary E. Baeten, Senior Planner
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Land Use:

[C] COMMERCIAL

BILL NO. Z-85-05-14 (AS AMENDED)

Scale: 1"=60'

-20-

Date: 4-24-85



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WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on 20 May 1985;

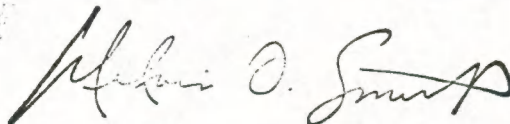
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2nd day of July 1985.



Melvin O. Smith
Secretary

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HANDS:	No Comment
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SPECIAL INFORMATION:

Physical Characteristics:	Utilities are available for this site.
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PLANNING STAFF DISCUSSION:

We are very concerned with commercial encroachment into this area. In July of 1984, the property to the south was rezoned to R-3 in order to allow possible office usage of the Calvary Temple facility, and allow for some buffering of the residential area.

Clinton Street is a major north-south traffic generator which reflects in concerns regarding the safety of residents in the neighborhood. Approval of the rezoning

Change of Zone #128
13 May 1985

Page two

would probably generate additional traffic thru this corridor much to the adverse affect upon existing traffic conditions and safety concerns.

The approval would adversely impact the residential and aesthetic quality of life, and would encourage future encroachment and commercial strip zoning. With a rezoning, we would lose control over preservation of residential life qualities and could not provide any type of buffering or transitional development.

A similar size parcel towards the west on Brookway Drive has been developed with a cul-de-sac. The subject property could be developed into approximately 4 or 5 lots in the same manner as Vesey Park Addition off of Westbrook Drive.

RECOMMENDATION:

Denial

- 1) Approval would adversely impact the surrounding area.
- 2) Approval would encourage encroachment of commercial uses into residential area.
- 3) An undue hardship does not appear to exist, as the property could be developed residentially.

However, if the Commission and City Council wish to approve this change of zone, we feel that west 60 feet of the subject property be retained in R-2, no curb cuts be permitted on Eastbrook Drive and landscape plan be submitted for 60 feet strip to ID&P for review and approval.

BILL NO. Z-85-05-14 (as amended)

[Handwritten signature]

REPORT OF THE COMMITTEE ON

REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. M-18

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)

YES

NO

[Signature of Charles B. Redd]

CHARLES B. REDD
CHAIRMAN

[Signature of Janet G. Bradbury]

JANET G. BRADBURY
VICE CHAIRWOMAN

[Signature of James S. Stier]

JAMES S. STIER

[Signature of Ben A. Eisbart]

BEN A. EISBART

[Signature of Donald J. Schmidt]

DONALD J. SCHMIDT

CONCURRED IN 7-23-85

[Signature of Janet G. Bradbury]

SANDRA E. KENNEDY
CITY CLERK